

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

1	UNITED STATES OF AMERICA,	)	No. 19 CR 532-1
2		)	
3		)	
4	Plaintiff,	)	
5		)	
6	v.	)	Chicago, Illinois
7	ANDREW ANANIA,	)	September 22, 2020
8		)	11:35 a.m.
9		)	Video
10	Defendant.	)	Detention Hearing

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE SHARON JOHNSON COLEMAN

APPEARANCES:

For the Government: HON. JOHN R. LAUSCH, JR.,  
United States Attorney, by  
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Assistant United States Attorney  
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For the Defendant: FEDERAL DEFENDER PROGRAM  
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BY: MR. SANTINO COLEMAN

U.S. PRETRIAL SERVICES: MR. PEDRO RANGEL

TRACEY DANA McCULLOUGH, CSR, RPR  
Official Court Reporter  
219 South Dearborn Street  
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Chicago, Illinois 60604  
(312) 435-5570

1 THE CLERK: 19 CR 532, USA versus Andrew Anania.

2 THE COURT: All right. Government. The government  
3 cannot hear me. Mr. Vandenberg?

4 MR. VANDENBERG: (Unintelligible).

5 THE COURT: There you go. All right. Say your name  
6 again because I don't know if the court reporter heard you.  
7 Government.

8 MR. VANDENBERG: (Unintelligible).

9 THE COURT: All right. So you have a, you have a  
10 corrupted some type of exchange here, so we're only getting a  
11 little bit of your voice. I'm going to have everybody else  
12 announce themselves. We're going to come back to you again.  
13 We know who you are. We've got your spelling. I just want to  
14 make sure that your statements -- we can hear you clearly  
15 throughout the time we're talking. Can you not hear me now?

16 MR. VANDENBERG: I can't hear you.

17 THE COURT: You can't hear me, and we're barely  
18 hearing you. All right. We're going to try it again. Mr.  
19 Coleman, go ahead and state your name.

20 MR. COLEMAN: Santino Coleman with the Federal  
21 Defender Program.

22 THE COURT: All right.

23 MR. COLEMAN: On behalf of Andrew Anania.

24 THE COURT: All right. We have Mr. Coleman. And you  
25 can hear me clearly?

1 MR. COLEMAN: Yes, I can hear you.

2 THE COURT: Okay. All right. Who do we have from --  
3 Mr. Anania, and you can hear us still, sir?

4 DEFENDANT ANANIA: Yes, Your Honor.

5 THE COURT: All right. Good. We can hear you  
6 clearly. What about Pretrial? Mr. Rangel.

7 MR. RANGEL: Yes. Pedro Rangel.

8 THE COURT: All right. Good. We can hear you now.

9 MR. RANGEL: On behalf of U.S. Pretrial Services.  
10 I'm here. I can hear you.

11 THE COURT: All right. Thank you very much. And  
12 government, let's try you again. Mr. Vandenberg.

13 MR. VANDENBERG: Cornelius Vandenberg. Sorry, Your  
14 Honor, (unintelligible).

15 THE COURT: Yes, it's both ways. I can barely hear  
16 you. You're going in and out. You're breaking up. And you  
17 can't hear me, correct?

18 MR. VANDENBERG: Correct.

19 THE COURT: All right. Can you go out and come back  
20 in? Mr. Vandenberg, can you -- okay. We're going to wait a  
21 second and see if he comes back in. All right. Mr.  
22 Vandenberg, you're going to try again. You're still -- your  
23 screen is going in and out. Can you hear me? Mr. Vandenberg.  
24 You can't, you can't hear me?

25 MR. VANDENBERG: I can barely hear you.

1 THE COURT: Barely hear me. Can you -- we're going  
2 to see if -- can you hear me at all? No.

3 MR. VANDENBERG: I can hear you -- (unintelligible).  
4 Your Honor, I'm going to try calling in.

5 THE COURT: All right. We can try that. No problem,  
6 Mr. Vandenberg. Let's try that.

7 (Brief pause.)

8 THE COURT: All right. We're going to try this  
9 again. All right. So let's just make sure everybody at least  
10 state your name. Starting with the government. Okay. You're  
11 silent again. Government you're silent. It looks like you can  
12 hear me, but I can't hear you.

13 THE CLERK: Mr. Vandenberg, it shows that you're on  
14 mute.

15 MR. VANDENBERG: I've called in through the  
16 telephone.

17 THE COURT: Okay. Now, we can hear you, but you're  
18 messed up. We're going to try it again. Mr. Coleman, you can  
19 hear us fine?

20 MR. COLEMAN: Yes, I can hear you.

21 THE COURT: Okay. But you don't sound quite clear  
22 either. All right. Mr. Anania, can you hear us?

23 DEFENDANT ANANIA: Yes, Your Honor.

24 THE COURT: Clearly?

25 DEFENDANT ANANIA: Yes.

1 THE COURT: All right. Rangel.

2 MR. RANGEL: Yes, Your Honor, I can hear you clearly.

3 THE COURT: All right. Good. All right.

4 Government.

5 MR. VANDENBERG: All right. I've muted the telephone  
6 call, which is how I was able to be heard earlier. If you  
7 could unmute that, you'd be able to hear me again. Are you  
8 able to hear me on the --

9 THE COURT: There we go.

10 MR. VANDENBERG: All right.

11 THE COURT: There we go. All right.

12 MR. VANDENBERG: Great.

13 THE COURT: Okay. I think we're all good. Mr.  
14 Coleman, you're good? Mr. Coleman.

15 MR. COLEMAN: Yes, I'm good.

16 THE COURT: Okay. Good. All right. We're going to  
17 get started here. So the case has been called. I believe  
18 everybody has been identified for the record, correct, Miss  
19 McCullough?

20 THE COURT REPORTER: Yes.

21 THE COURT: All right. So let's go forward on this  
22 motion for pretrial release from the defendant. Mr. Coleman.

23 MR. COLEMAN: Thank you, Your Honor. Your Honor, we  
24 are seeking Mr. Anania's pretrial release in this case. Under  
25 the Bail Reform Act in this particular case there's a

1 presumption of release under 3142 (b). And that presumption  
2 doesn't even contemplate conditions. The Bail Reform Act also  
3 indicates that if the Court doesn't believe release without  
4 conditions is appropriate, then it again presumes that a person  
5 will be released with the least restrictive conditions  
6 necessary to ensure that they appear for court and for the  
7 safety of the community.

8           Only if the Court finds there are absolutely no  
9 conditions whatsoever that could be put in place to ensure  
10 appearance in court and community safety should a person in Mr.  
11 Anania's circumstances be denied release. And given Mr.  
12 Anania's ties to the community, we think it's appropriate for  
13 this Court to consistent with the Bail Reform Act --

14           THE COURT: I'm sorry.

15           MR. COLEMAN: -- allow Mr. --

16           THE COURT: I need you to go back to you think  
17 it's -- given his ties to the community, you think it's  
18 appropriate for what? It went, it went out.

19           MR. COLEMAN: Given his ties to the community, it is  
20 appropriate for this Court to release Mr. Anania with  
21 conditions. And I say that for several reasons. As I indicate  
22 in the motion, Mr. Anania upon release would go stay with his  
23 mother Francesca Hallin. She is on the line. She is willing  
24 to serve as third party custodian. Miss Hallin, who is with  
25 her husband and her daughter, Mr. Anania's little sister. And

1 this is a, a warm, loving, supportive environment where Mr.  
2 Anania can go as his case proceeds.

3 Mr. Anania has a number of health concerns that the  
4 Court should also take into consideration. As I noted in the  
5 motion, Mr. Anania suffers from lupus. He was diagnosed with  
6 this condition as a child. So throughout his life he has  
7 suffered and received treatment for this condition. And it  
8 makes him vulnerable beyond the issues with COVID. Mr. Anania,  
9 even with COVID will be a vulnerable person in a prison  
10 institution setting, and he is. And an example of that was  
11 shown. A few months ago back in July he was complaining of  
12 shortness of breath. He was never administered a COVID test.  
13 He did receive a chest X-ray.

14 And following that X-ray he was placed into 24-hour  
15 lockdown, isolated in a separate cell; and he, he remained  
16 there for a, a number of weeks. I tried to figure out what was  
17 going on, and they told me they -- I mean, I couldn't really  
18 get a clear explanation. They've never provided Mr. Anania a  
19 clear explanation. I was told that they thought he might have  
20 TB or something along those lines, but I don't believe that was  
21 ever concluded. And so he was just kept in essentially  
22 solitary confinement for weeks.

23 THE COURT: All right. Mr. Coleman.

24 MR. COLEMAN: And --

25 THE COURT: Mr. Coleman, if I can interrupt real

1 quickly here. So there was never any tests given to him,  
2 whether it was COVID or TB test? They never gave a test to  
3 anybody -- to him?

4 MR. COLEMAN: No. My understanding he was, he was  
5 not given a COVID -- a test for COVID. In terms of the TB,  
6 what I understood is that he -- a chest X-ray was done, and  
7 they saw something on his chest X-ray that prompted them to  
8 place him into this 24-hour isolation.

9 THE COURT: Well, I under -- I understand --

10 MR. COLEMAN: But according to --

11 THE COURT: I understand what you're saying on that.  
12 I did read the briefs about seeing something. But the Court  
13 just doesn't understand during this time, because Judge  
14 Pallmeyer looked at this before. I'm sure the government was  
15 aware and monitoring people closely about their health. How  
16 this person wasn't given a test. I don't get that. So he just  
17 was placed in isolation. Now, if he's on -- if he has lupus,  
18 then he would have been I'm assuming have a regular  
19 prescription for hydroxychloroquine. That's one of the drugs  
20 that people with lupus take on a regular basis, which according  
21 to the leader of the country is something that is supposed to  
22 help you with COVID. I'm not saying that that is a fact, but  
23 that's what is out, that's supposed to be a positive treatment.

24 But either way someone should know and he should be  
25 tested when he already has a verified illness. The government

1 isn't saying he's not -- doesn't have lupus to my knowledge.  
2 That he should be tested for COVID 19. Has there, has there  
3 been a specific request made for him to be tested, Mr. Coleman?

4 MR. COLEMAN: Your Honor, Mr. Anania requested that  
5 he receive that test. He was never given a COVID --

6 THE COURT: Okay. I wasn't talking about Mr. Anania.  
7 Was there a request by your office as his lawyers for him to  
8 get a test?

9 MR. COLEMAN: Well, I reached out to, I reached out  
10 to the U.S. Marshal Service to determine what was going on.  
11 Whether he had -- you know, why he was placed in isolation and,  
12 and what was going on with his health. But I -- you know, I --  
13 but this -- that's, that's the concern here, and I -- you know,  
14 and in, in addition to my argument that, you know, Mr.  
15 Anania -- I mean, notwithstanding COVID 19, I think the law and  
16 the fact that he has family ties should support his release.

17 But on top of that, we then have this situation with  
18 COVID 19. You know, he was never given a test. And he's just  
19 a vulnerable individual. And he has a, a home where he can go  
20 where he can be safe, not be exposed to the potential risk of  
21 COVID 19 and the continued risk of having lupus in that  
22 setting. And I think that that would be best here. You know,  
23 as I explain in the motion, Mr. Anania suffers from skin  
24 lesions, facial scarring, delayed wound healing, and joint  
25 damage. He's been using a cane since I, I first met him on

1 this case. He still uses that cane.

2 And so he's -- he's just someone that, you know, has  
3 a heightened vulnerability, and he can be placed on conditions  
4 and proceed with this case in a better setting.

5 THE COURT: All right. Thank you. Thank you, Mr.  
6 Coleman. And I may ask you for more argument in a second, but  
7 thank you.

8 So government you can respond. Then I'll hear what  
9 Pretrial's recommendation is. Go ahead government.

10 MR. VANDENBERG: Yes, Your Honor. The government's  
11 position is that defendant's motion for release from pretrial  
12 detention should be denied. We believe that it is the  
13 community that would be at heightened vulnerability if Mr.  
14 Anania were released. As Judge Pallmeyer previously concluded,  
15 there's no conditions that can reasonably ensure the safety of  
16 the community, and --

17 THE COURT: All right. Excuse me. Excuse me,  
18 government. If I could ask. Was Judge Pallmeyer -- and that  
19 was during our -- the height of the emergency where I don't  
20 believe -- did she have video contact on this case?

21 MR. VANDENBERG: She did not have video contact.

22 THE COURT: All right. So, so was --

23 MR. VANDENBERG: She had full briefing.

24 THE COURT: Let me ask you this: Was Mr. Anania's  
25 mother available for -- was this the option for him to be

1 released before?

2 MR. VANDENBERG: Judge Pallmeyer's position was not  
3 that the proposed conditions were inadequate or that the  
4 testing of those, whether they could be stronger or not. Judge  
5 Pallmeyer's position as stated in her opinion was that there  
6 were no conditions that would reasonably assure the safety of  
7 the community. Therefore, the questioning of the defendant's  
8 mom, who I'm sure obviously is a wonderful person for  
9 volunteering to be a third party custodian and the government  
10 has no problem with the defendant's mother. The problem is the  
11 defendant himself. And the government's position and Judge  
12 Pallmeyer's position were that no conditions would be adequate  
13 for his release.

14 We were at the point where we were hammering out what  
15 those conditions would look like because of the defendant's  
16 record, because of his actions in this case. The defendant is  
17 someone who was convicted of conspiracy to commit first degree  
18 murder extremely recently. That was in August 2017. He was on  
19 parole for that case, for that conspiracy to commit first  
20 degree murder for a 10-year sentence when this case took place.  
21 He was walking down the streets of Chicago with a loaded  
22 semiautomatic handgun. He was approached by Chicago Police.  
23 He fled. He led them on a two block chase through a  
24 residential neighborhood, and he took the loaded gun and he  
25 tossed it into a residential yard in a home where children

1 lived.

2 The body worn camera in this case showed post arrest,  
3 post-Miranda him claiming that he had taken the firearm from a  
4 friend and thrown it over the fence. He couldn't remember what  
5 the friend's name was, who the friend was.

6 THE COURT: All right. Excuse me, government.

7 MR. VANDENBERG: That was the explanation --

8 THE COURT: Excuse me government. I mean, I did read  
9 your 15-page presentation. I also was aware in general of this  
10 case because it was assigned to me when Judge Pallmeyer  
11 reviewed it. And so I guess the question that the Court has is  
12 a couple of things.

13 First of all, was his illness or the issues that he  
14 has such as being on a cane, all of that, was that apparent to  
15 your knowledge to the authorities when he was arrested for this  
16 offense?

17 MR. VANDENBERG: Yes. Yes, Your Honor.

18 THE COURT: So he was running with a cane?

19 MR. VANDENBERG: No. No. No. No. His, his prior  
20 medical history I should say -- you're asking at the time of  
21 arrest. No, he sprinted down for two blocks during the course  
22 of the chase. You can see from the video he doesn't need a  
23 cane to walk.

24 THE COURT: Okay.

25 MR. VANDENBERG: His lupus --

1 THE COURT: That's what I wanted to know.

2 MR. VANDENBERG: I'm sorry, Your Honor. His lupus  
3 was clear as of May. When he initially filed the brief based  
4 on these same concerns about lupus and COVID, the same basis  
5 for which he's bringing now, and the government has been aware  
6 throughout that time, as has Pretrial, as was Judge Pallmeyer.

7 THE COURT: All right. But you do agree that at the  
8 time that he was first heard no one knew that this situation  
9 would last the amount of time it did, is that correct? That,  
10 that our whole COVID -- our COVID issue would last as long as  
11 it's lasted, correct?

12 MR. VANDENBERG: No, Your Honor --

13 THE COURT: That was not known at the time. That's  
14 just one point, obvious point I'm bringing up. So when he last  
15 was in court in front of Judge Pallmeyer we did not know that  
16 our entire institutions and our whole world would be under this  
17 same threat of additional illness, correct?

18 MR. VANDENBERG: I'm sorry, Your Honor. I don't know  
19 how to answer that. Obviously the extent of COVID was unclear,  
20 but I think we all knew that at least going through this fall  
21 that there would be a strong reoccurrence, but that's --

22 THE COURT: Well, I don't know if we did know that  
23 then. But my concern is there's still -- to your knowledge  
24 there was no testing -- we knew this man had lupus. Are you  
25 all contesting that he has lupus?

1 MR. VANDENBERG: Your Honor, he did -- he was -- no,  
2 we're not contending that.

3 THE COURT: Okay.

4 MR. VANDENBERG: We didn't contend that in our brief  
5 before Judge Pallmeyer.

6 THE COURT: So when was he tested?

7 MR. VANDENBERG: When he had a shortness of breath,  
8 he was given a chest X-ray. They examined for tuberculosis.  
9 To date he has had no symptoms of COVID that the government is  
10 aware of. He has not been tested --

11 THE COURT: Isn't shortness of breath a symptom of  
12 COVID?

13 MR. VANDENBERG: Again, Your Honor, when they took  
14 the chest X-ray, they saw signs of tuberculosis. And the  
15 concern was that --

16 THE COURT: Okay. Why not a COVID test? Do you know  
17 why they did not give him a COVID test?

18 MR. VANDENBERG: I don't know why that particular  
19 doctor didn't, no, Your Honor.

20 THE COURT: Okay. Thank you. All right.

21 MR. VANDENBERG: I do know that Kankakee consistent  
22 with May has not had any cases of COVID amongst the inmates.  
23 Obviously that's not -- I'm not saying this defendant can't be  
24 the first. But again, they made that medical decision. I'm  
25 not in a position to back it up without calling them.

1           THE COURT: All right. Thank you. I just wanted to  
2 know about at least that, about why he didn't get a simple  
3 test. It seems like that would be -- it seems like getting him  
4 to a place to get a chest X-ray takes a lot more effort than  
5 giving the man a COVID test. Sticking a swab up his nose or in  
6 his cheek, that seems like that's a lot less problematic for  
7 somebody to do as opposed to taking him to get a chest X-ray.  
8 And that's all the Court is wondering right now. That would be  
9 something that would be different, and put the government in a  
10 different position as to, yes, there's no COVID in Kankakee.  
11 And I have checked up to now. Just so the record is clear, as  
12 of today there are no COVID issues at Kankakee. So the Court  
13 is aware.

14           I just don't understand during this time if he has an  
15 underlying medical condition, why they would not take the  
16 simple step of getting him a test. I don't get that. So you  
17 quarantine somebody for 14 days or more. Yet you don't give  
18 them a test to say he has to be quarantined. That's all I'm  
19 saying. So I understand the government's position that he is  
20 dangerous. I understand Judge Pallmeyer -- to the public,  
21 Judge Pallmeyer's decision that he's a threat to the community.  
22 And right now there's no set of circumstances at least back  
23 when she did this order back in, was it April -- May, that  
24 there were no set of circumstances that could change this. I  
25 understand your position.

1           Again, let me hear from Pretrial, and then I will let  
2 you and defense counsel follow up on whatever their  
3 recommendation is. Okay? All right. Mr. Rangel.

4           MR. RANGEL: Yes, Your Honor. As stated in the  
5 Pretrial Services report that was filed on May 14th, our  
6 position was that there's no condition or combination of  
7 conditions that would reasonably assure his appearance as  
8 required and the safety of the community. So our position  
9 would just be that we respectfully recommend that he be  
10 detained in custody during the pending of this case.

11           THE COURT: All right. And have you checked out the  
12 mother's home?

13           MR. RANGEL: No, Your Honor, we have not checked out  
14 the home. I've only had a conversation with her.

15           THE COURT: You've had a conversation, but you have  
16 not looked at the home, is that correct?

17           MR. RANGEL: No, Your Honor. A home assessment has  
18 not been done, Your Honor.

19           THE COURT: All right. And how did you speak to her?  
20 I'm assuming by phone or by video, correct?

21           MR. RANGEL: Yes, over the phone, Your Honor, back in  
22 May.

23           THE COURT: So that was back in May. All right.  
24 That wasn't, that wasn't any time since May where his request  
25 was denied? It hasn't been any time since then?

1           MR. RANGEL: The last time I spoke to his mother was  
2 back in May. I did leave her a voice mail this morning just to  
3 confirm she's still willing to, and it seems like she is she  
4 stated on the phone.

5           THE COURT: All right. Okay. Anything else you'd  
6 like to state other than you agree with the government's  
7 position that he should not be released?

8           MR. RANGEL: No, Your Honor.

9           THE COURT: All right. And do you have any update on  
10 his medical condition?

11          MR. RANGEL: Not myself, Your Honor. Not that I'm  
12 aware of.

13          THE COURT: All right. Thank you. All right.  
14 Government, if you want to follow up on anything Mr. Rangel has  
15 said.

16          MR. VANDENBERG: I would just like to clarify, Your  
17 Honor. Your Honor characterized the government's position as  
18 being based off the condition as it was. While we do think  
19 that that -- that nothing has been presented that would warrant  
20 reversal of that initial determination that he be detained, we  
21 also believe that if you -- from a position of approaching the  
22 facts as they are now, without regards to what happened in May  
23 or what the conditions were in May, that all the facts are  
24 still the same. We're not just (unintelligible) Your Honor,  
25 but we believe that the --

1           THE COURT: Okay. Wait. Wait. Wait. Wait. Wait.  
2 Wait. One second, Mr. Vandenberg. We're losing some of your  
3 words. Let's go back to without regard to what happened in  
4 May, meaning Judge Pallmeyer's previous order. Proceed from  
5 there.

6           MR. VANDENBERG: Yes, Your Honor. If we were  
7 approaching the case anew today, that would still be our  
8 position that the defendant be detained because of the  
9 seriousness of the offense, because the defendant -- because of  
10 the weight of the evidence here. Again, he's been convicted of  
11 conspiracy of first degree murder. While on parole for that  
12 conviction, running through a residential neighborhood with a  
13 loaded gun. Being captured on body cam, including essentially  
14 an admission to that conduct. Regardless of what Judge  
15 Pallmeyer decided in May, this would be the government's  
16 position.

17           THE COURT: All right. Understood. Thank you. Mr.  
18 Coleman. And before you start, Mr. Coleman, one of the  
19 questions the Court wants to ask you is at the time of this  
20 offense, where he was arrested for this offense, where was Mr.  
21 Anania living? If you know.

22           MR. COLEMAN: Your Honor, I believe he was living  
23 with his stepfather at the time.

24           THE COURT: I thought -- and the mother is married to  
25 the stepfather?

1 MR. COLEMAN: Yes.

2 THE COURT: You said she had a husband. Is that the  
3 same stepfather?

4 MR. COLEMAN: Yes.

5 THE COURT: All right. So he would have been living  
6 with his mother and his stepfather. The same place he wants to  
7 go back to, would that be correct? He's shaking his head no.  
8 So we might not have all the information totally straight. Why  
9 don't I -- since she's on the phone, I'm going to allow the  
10 mother to speak. We're going to unmute her. Unmute yourself,  
11 ma'am. And you can go ahead and speak, but only answer the  
12 questions that are put to you. I'm going to let Mr. Coleman  
13 ask you a few questions. Okay. Ma'am?

14 MS. HALLIN: Okay.

15 THE COURT: All right. Before we get started, state  
16 your name.

17 MS. HALLIN: Francesca Hallin.

18 THE COURT: And do you affirm to tell the truth and  
19 nothing but the truth, ma'am.

20 MS. HALLIN: Yes, ma'am.

21 (Witness duly sworn.)

22 THE COURT: All right. And proceed about -- Mr.  
23 Coleman is going to ask you some questions, and the government  
24 or this Court may follow up. Go ahead, Mr. Coleman.

25 MR. COLEMAN: Miss Hallin, Mr. Anania was he

1 living -- at the time Mr. Anania was originally arrested, was  
2 he living with his stepfather?

3 MS. HALLIN: Yes. In a different residence.

4 THE COURT: I'm sorry. What was that last -- in a  
5 different residence, is that what you stated?

6 MS. HALLIN: Yes, ma'am.

7 THE COURT: All right.

8 MS. HALLIN: Yes, ma'am.

9 THE COURT: Thank you. And is everybody quiet behind  
10 you? Because I'm hearing a lot of interference.

11 MS. HALLIN: No. I'm outside by myself.

12 THE COURT: If there's a television on or something,  
13 make sure everything is off. All right. Go ahead, Mr.  
14 Coleman.

15 MR. COLEMAN: And, Miss Hallin, if Mr. Anania is  
16 released, would he be living with you, his stepfather, and his  
17 little sister?

18 MS. HALLIN: Yes.

19 THE COURT: All right. Can I get some more  
20 specifics. When you say he was living at a different residence  
21 with his stepfather, is the stepfather the person you're living  
22 with now?

23 MS. HALLIN: Yes. We were not living together at  
24 that point.

25 THE COURT: All right. So, first of all, what is the

1     stepfather's name?

2             MS. HALLIN: William Hallin.

3             THE COURT: All right. Spell that last name for me,  
4     please.

5             MS. HALLIN: H-A-L-L-I-N.

6             THE COURT: All right. Thank you. And you said at  
7     that time you were not living with his now stepfather, is that  
8     correct?

9             MS. HALLIN: Yes.

10            THE COURT: All right. And how far is that location  
11    from where you are now?

12            MS. HALLIN: A few miles.

13            THE COURT: And how long did he live with his  
14    stepfather?

15            MS. HALLIN: From the time he was released --

16            THE COURT: Before.

17            MS. HALLIN: -- until the time he was arrested.  
18    Before that? He was with me before.

19            THE COURT: He was with --

20            MS. HALLIN: Before he --

21            THE COURT: Okay. So he was with you first?

22            MS. HALLIN: He lived with -- when he was released on  
23    parole, he went to live with his stepfather.

24            THE COURT: Okay. That's what I want to know. Okay.  
25    Is there a reason why he didn't come to live with you?

1 MS. HALLIN: I thought it would be better if he had a  
2 male role model.

3 THE COURT: All right. And is your -- is the  
4 stepfather -- you're living together now, is that correct?

5 MS. HALLIN: Yes, ma'am.

6 THE COURT: And how long have you been together  
7 living under the same roof?

8 MS. HALLIN: About eight months.

9 THE COURT: All right. And you said there's a little  
10 sister. How old is that little sister?

11 MS. HALLIN: 16.

12 THE COURT: All right. And is she the daughter of  
13 both you and the stepfather?

14 MS. HALLIN: Yes.

15 THE COURT: And what's your work schedule, ma'am?

16 MS. HALLIN: I work Tuesday through Saturday.

17 THE COURT: Away from the home?

18 MS. HALLIN: Yes, ma'am.

19 THE COURT: All right. And what's your schedule on  
20 Tuesday through Saturday?

21 MS. HALLIN: I work at 9. I usually -- I start at 9.  
22 I usually I get off between 1 and 3.

23 THE COURT: In the afternoon?

24 MS. HALLIN: Yes, ma'am.

25 THE COURT: All right. And what about the

1     stepfather?

2             MS. HALLIN: At this point he works -- he's seasonal,  
3     so he'll be done working in about a month. But he -- during  
4     the day he usually gets off about 1:00 o'clock.

5             THE COURT: You both get off at the same time?

6             MS. HALLIN: Similar times, yes.

7             THE COURT: All right. And is your daughter in  
8     school?

9             MS. HALLIN: They're doing at home learning.

10            THE COURT: Remote?

11            MS. HALLIN: They are doing e-learning right now.

12            THE COURT: All right. Thank you. All right.

13     There's nothing else for the Court and the questions. Anything  
14     from plaintiff's counsel -- I mean, I'm sorry, government. Any  
15     questions? Okay. You're silent right now, Mr. Vandenberg. We  
16     can't hear you.

17            MR. VANDENBERG: I would just ask how long your  
18     commute is?

19            MS. HALLIN: 10 to 15 minutes.

20            THE COURT: Anything else, Mr. Vandenberg?

21            MR. VANDENBERG: No, Your Honor.

22            THE COURT: All right. Mr. Rangel, since we have her  
23     on the phone, were there any questions you would like to ask  
24     from Pretrial?

25            MR. RANGEL: No, Your Honor.

1 THE COURT: All right. Anything else, Mr. Coleman?

2 MR. COLEMAN: Your Honor, I would just note that  
3 the -- in the previous --

4 THE COURT: I'm sorry. Anything else -- I'm sorry.  
5 Anything else on questions of Mr. Anania's mother?

6 MR. COLEMAN: Oh, no.

7 THE COURT: All right. Ma'am, thank you. If you  
8 could you mute yourself again. We're going to continue with  
9 some argument and some statements. All right. Thank you.

10 MS. HALLIN: Okay. Thank you.

11 THE COURT: All right. Go ahead, Mr. Coleman.

12 MR. COLEMAN: Your Honor, I would just, I would just  
13 note that the, the previous order did not follow a hearing. It  
14 was, it was issued just based on without the benefit of a  
15 hearing or, or having Miss Hallin available. I would also just  
16 point out that detention is a -- the Supreme Court has said  
17 detention is a carefully limited exception. Liberty is the  
18 norm in our society. And Mr. Anania I don't believe that, you  
19 know, he's -- to continue to be in detention when he has a  
20 loving home that he could go to, it's a -- a lot of times many  
21 of my clients don't have that. Don't have a, a mother and a  
22 stepfather and a sibling that they could go stay with, and Mr.  
23 Anania has that.

24 He also has these health conditions. And there are a  
25 range of pretrial conditions that the Court can put in place to

1 have confidence that -- you know, that he will be supervised  
2 and he will remain in the home. If the Court should desire, he  
3 should be on home incarceration, electronic monitoring, GPS  
4 monitoring is a poten -- if that's available. I mean, there's  
5 just a range of different conditions that could be put in  
6 place.

7 And the Bail Reform Act presumes that someone will be  
8 released without conditions, presumes that the person will be  
9 released with conditions if the judge -- if the Court doesn't  
10 think with no conditions is appropriate. And it, it can only  
11 be denied if there's just absolutely no conditions that could  
12 be put in place. And there's just nothing here that -- I don't  
13 think that rises to that level. Mr. Anania has a presumption  
14 of innocence. And that's something that extends throughout the  
15 case. He has not pled guilty. So I, so I just think that he  
16 should be allowed to be released. I think that there are  
17 conditions that could be put in place, and I think it would be  
18 appropriate here to do so. Particularly given his health  
19 issues and the concerns with the institution he's in.

20 THE COURT: All right. Thank you very much, Mr.  
21 Coleman. One thing the Court is going to do right now at this  
22 time is enter and continue the motion. I want him tested. So,  
23 you know, the Court will put that in the order. The Court will  
24 enter a call to who I need to make a call to, but he needs to  
25 be tested both for COVID and for TB. Get those things tested

1 for. And it's going to take a little while to get some of the  
2 results back. So I want to do 21 days. Is he in solitary  
3 confinement right now, Mr. Coleman?

4 MR. COLEMAN: I don't believe that he's in isolation  
5 at this point.

6 THE COURT: Okay. All right. As long as he's not.  
7 Otherwise they've got to give me a reason for that. I want to  
8 know what the results of his medical testing are. And then I  
9 will take note that things are little bit different in that  
10 Judge Pallmeyer did not have a hearing, which I'm sure even she  
11 would at least reconsider something if she didn't have a full  
12 hearing in this case.

13 I also ask that during the meantime while this Court  
14 is considering this matter that Pretrial revisit with  
15 supervisors what your recommendation is based on what you've  
16 heard here today. Including a conversation on -- under oath by  
17 the mother. All right, Mr. Rangel? I'm not saying you have to  
18 come to a different result. I'm just saying make sure now that  
19 we're a few months out and this matter has gone forward, that  
20 we review it and make sure.

21 We actually had one recently where Pretrial totally  
22 changed their mind from what they had done previously, and I  
23 think it was again a similar type of case. And I just want to  
24 make sure that Pretrial is sticking by what they're saying, and  
25 it's not an issue of some of it is people available to help

1 supervise, et cetera. And this was a, a -- more of a -- more  
2 expeditious decision considering all that he has going on in  
3 his background, which is something the Court has to consider.

4 But as Mr. Coleman has stated, there is -- if there  
5 are any type of circumstances that can be put together that  
6 keeps him out of custody, then the Court just wants to triple  
7 check that all of those have been considered before the Court  
8 denies -- leaves the posture where it is. All right. So the  
9 Court will give it every consideration, but I want those  
10 medical tests done. I want to get them back, and I will look  
11 at where we are. And, in fact, do a -- make sure, Mr. Rangel,  
12 we're doing a background check on both the adults living in the  
13 house. And then we'll be back in 21 days. Yvette.

14 THE CLERK: That will be October 14th. And it would  
15 be for the same time, 11:15.

16 THE COURT: All right. How is that date for the  
17 government and for defense and for Pretrial?

18 MR. VANDENBERG: The government is available that  
19 day, Your Honor.

20 THE COURT: Thank you. Mr. Coleman, are you also --

21 MR. COLEMAN: That works for me.

22 THE COURT: Okay. Mr. Rangel.

23 MR. RANGEL: Yes, that works for Pretrial.

24 THE COURT: All right. Thank you very much. The  
25 motion is entered and continued. Thank you for your

1 presentations. The order will reflect -- and if you wish, Mr.  
2 Coleman, a follow-up on your client's behalf, you can. And  
3 government if you have any additional information on the status  
4 of COVID cases, et cetera, over at Kankakee, the Court would  
5 like for that to be passed onto the Court. And I will make a  
6 decision on the next date.

7 We would like for the defendant's mother, if at all,  
8 to be present on that next day or at least be on the phone on  
9 that next day. So that if this Court makes a change in his  
10 status, you can be available to be admonished and be part of  
11 the plan also. Will you be available to be available -- or  
12 will you be available by phone on that date?

13 MS. HALLIN: Yes, I am.

14 THE COURT: All right. Then you've got the date.  
15 Again, Yvette, say it clearly.

16 THE CLERK: Sure. It's October 14th at 11:15 a.m.

17 THE COURT: All right.

18 MS. HALLIN: Okay.

19 THE COURT: All right. And has time been excluded  
20 government?

21 MR. VANDENBERG: Your Honor, we would move to exclude  
22 time until that date.

23 THE COURT: All right. Any objection?

24 MR. COLEMAN: No objection.

25 THE COURT: All right. Time will be excluded till

1 the next date for us to continue to discuss the issue of his  
2 pretrial status. All right. Thank you very much for your  
3 presentations. Take care, Mr. Anania.

4 DEFENDANT ANANIA: Thank you.

5 CERTIFICATE

6 I HEREBY CERTIFY that the foregoing is a true,  
7 correct and complete transcript of the proceedings had at the  
8 hearing of the aforementioned cause on the day and date hereof.

9  
10 /s/TRACEY D. McCULLOUGH

October 7, 2020

11 Official Court Reporter  
12 United States District Court  
13 Northern District of Illinois  
14 Eastern Division

Date